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Paper No.

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AUG 31 2004

**OFFICE OF PETITIONS**

In re Application of	:	
Lin et al.	:	DECISION ON PETITION
Application No. 10/773,049	:	
Filed: February 6, 2004	:	
Title: MEDIA PLAYER	:	

This is a decision on the PETITION filed August 9, 2004. Petitioners request that the above-identified application be accorded a filing date of February 6, 2004, with Figure 6 considered part of the original application disclosure.

For the reasons set forth herein, the petition is **DISMISSED**.

Applicants are given **TWO (2) MONTHS** from the mail date of this decision to respond. This period is governed by § 1.181(f) and is not extendable under § 1.136.

Application papers in the above-identified application were deposited on February 6, 2004. However, on June 16, 2004, the Office mailed a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION, notifying applicants that the application papers had been accorded a filing date; however, Figure 6 described in the specification appeared to have been omitted from the application.

Petitioners timely responded with the instant petition (and petition fee). Applicants assert that figure 6 was among the drawing sheets present in the application on filing. In support thereof, petitioners included a copy of a return receipt postcard. However, no copy of the drawing figure accompanied the petition.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the postcard receipt confirms that: 1) it was date stamped as received in the USPTO on February 6, 2004, and shows assignment of application No. 10/733,049 to the papers submitted therewith 2) it specifically identifies the items being filed, including "Drawings: 6 Sheets," and 3) it lacks any annotation of non-

receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including six sheets of drawings, were filed on February 6, 2004.

The application file shows that 5 sheets of drawings were received in the Office on February 6, 2004. Petitioners have met their burden of showing that a 6<sup>th</sup> sheet was received in the Office, but misplaced. However, petitioners have not supplied a copy of the misplaced drawing sheet containing figure 6. In view thereof, the petition must be dismissed.

Further correspondence with respect to this decision should be addressed as follows:

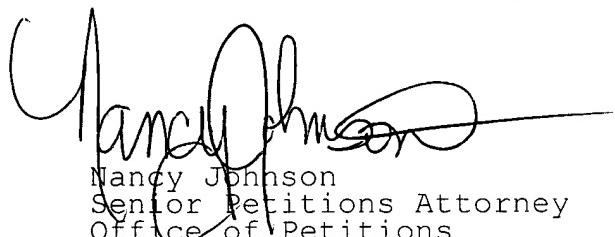
By mail: Mail Stop Petition  
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By FAX: (703) 872-9306  
ATTN: NANCY JOHNSON  
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By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

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Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309 (or effective September 28, 2004 at (571) 272-3219).



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